

<u>Event</u>	<u>Current Date</u>	<u>Proposed Date</u>
Dispositive Motions Due	April 26, 2013	July 26, 2013
Final Pretrial Conference	On or after May 10, 2013	On or after August 23, 2013

While both sides agree to the proposed modification to the deadline for fact discovery, Defendants have not agreed to Mr. Ford's request for extension of the expert deadlines, and as a result the parties do not agree on new deadlines for dispositive motions and the final pretrial conference.

Mr. Ford is requesting the above amendments to the schedule for the following reasons:

- 1) Due to negotiations concerning the Protective Order in this case (primarily addressing Defendants' concerns about disclosure of confidential information about prison investigations) and other delays, Defendants did not substantially complete their document production until March 18, 2013 and did not provide initial interrogatory responses until late in March.
- 2) As a result of these delays and other miscellaneous scheduling issues (including the illness of one witness and the April 19 travel shutdown in Boston), fact depositions did not begin until April 8 and, in an effort to accommodate the schedules of the Defendants, are continuing to be held; and
- 3) The parties are continuing to negotiate in an attempt to resolve outstanding discovery issues without intervention of the Court.

In addition, Mr. Ford has been delayed in obtaining copies of his medical records from the period immediately prior to his current confinement and still has been unable to obtain all of his records. This is due to a lack of response from Mr. Ford's healthcare providers, despite diligent follow-up by counsel for Mr. Ford.

The requested modification to the scheduling order is necessary to permit Mr. Ford to pursue his constitutional claims. Given the delays described above, Mr. Ford has been unable to complete necessary fact discovery, such that even the Defendants agree that an extension of the schedule is appropriate. Further, despite diligent and ongoing efforts, Mr. Ford's counsel has

been unable to obtain medical records that may be relevant to his case. Although defendants have opposed Mr. Ford's request to also extend the deadlines for expert discovery, they will suffer no prejudice as a result. Extension of all the requested deadlines will aid both sides in developing trial strategy by ensuring that there is sufficient time explore relevant issues and to file and resolve dispositive motions before trial.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant his Motion for Modification of the Schedule.

Respectfully Submitted,

ALBERT FORD,
By his attorneys,

/s/ Anant K. Saraswat
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Dated: April 26, 2013

LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for Plaintiff certifies that they have discussed modifications of the schedule with counsel for Defendants on various occasions, including telephone conferences on April 1 and April 26, 2013 and in-person meetings on April 17 and April 23, 2013. The parties agree on the need to modify the close of fact discovery but have not been able to reach agreement on other deadlines.

/s/ Anant Saraswat
Anant K. Saraswat, BBO # 676048

CERTIFICATE OF SERVICE

I, Anant Saraswat, hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic court filing (ECF) system, this 26th day of April, 2013.

/s/ Anant Saraswat
Anant Saraswat